

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2003:

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Present

Vote

James S. Burgett, Chairman  
Thomas G. Shepperd, Jr., Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
Donald E. Wiggins

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On motion of \_\_\_\_\_, which carried \_\_\_\_\_, the following ordinance was adopted:

AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 2-4 TO SPECIFY THAT ANY INDIVIDUAL DESIGNATED BY THE COUNTY ADMINISTRATOR AS HAVING AUTHORITY TO REQUEST CRIMINAL RECORDS HISTORY BACKGROUND CHECKS ON CERTAIN JOB APPLICANTS SHALL BE A COUNTY GOVERNMENTAL EMPLOYEE

WHEREAS, York County code § 2-4 was adopted by Ordinance No. O97-29 pursuant to authority granted by virtue of Code of Virginia § 19.2-389 (A) (7) for the purpose of authorizing the County Administrator, or the County Administrator's designee, to request criminal records history background checks on applicants for certain positions in the County employment; and

WHEREAS, the 2003 General Assembly adopted HB 2373, adding Code of Virginia § 15.2-1503.1, which, among other things, required a national criminal history record search by the Federal Bureau of Investigation for certain employees and licensees; and

WHEREAS, the York County Board of Supervisors desires to amend County Code § 2-4 as requested by the Federal Bureau of Investigation in order that a national criminal history records search can be conducted.

BE IT ORDAINED by the York County Board of Supervisors, this \_\_\_\_ day of \_\_\_\_\_, 2003, that section 2-4, York County Code, be and it is hereby

amended, to read and provide as follows, such amendment to be effectively immediately:

**Sec. 2-4. Authority to obtain criminal history record information.**

- (a) Whenever in the course of investigations of applicants who have been selected for public employment it is necessary in the interest of the public welfare or safety to determine if the past criminal conduct of the applicant is compatible with the nature of the employment, or when the provisions of this Code require the disclosure of criminal history information by an applicant, or the applicant's employees, in order for some privilege to be granted by the county or when such Code requires a criminal history record check of an applicant, or the applicant's employees, the county administrator or his designee (who shall be a County governmental employee) shall be authorized to obtain the criminal history record of such applicant, or such applicant's employees, from the Virginia Central Criminal Records Exchange or other appropriate sources.
- (b) The county administrator or his designee is specifically authorized pursuant to the provisions of Section 19.2-389 (A) (7), Code of Virginia, to request from the Virginia Central Criminal Records Exchange the criminal history record of any applicant who has been selected for public employment whose anticipated duties or responsibilities would require (i) access to public records or to personal information as defined in Section 2.1-379, Code of Virginia, (ii) accountability for public funds, (iii) access to county supplies, (iv) entry into secured areas outside of working hours, (v) right of entry onto private property, or (vi) child care or assistance to the elderly or disabled. The applicant shall submit to fingerprinting and shall provide the county administrator or his designee with personal descriptive information to be forwarded along with the applicant's fingerprints through the Virginia Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal record history information regarding the applicant.
- (c) The criminal history record information provided in accordance with this section shall be used solely to assess eligibility for public employment or service, or for the permit applied for, and shall not be disseminated to any person not involved in the assessment process. If an applicant is denied employment because of information appearing in his criminal record history, the county administrator or his designee shall notify the applicant that information from the Virginia Central Criminal Records Exchange contributed to such denial.